

<b>UNITED STATES BANKRUPTCY COURT DISTRICT OF NEW JERSEY</b>	
<b>Robertson, Anschutz, Schneid, Crane &amp; Partners, PLLC</b> 130 Clinton Road, Suite 202 Fairfield, NJ 07004 Telephone Number 973-575-0707 Attorneys For Secured Creditor  Aleisha C. Jennings, Esq. (049302015)	CASE NO.: 23-15701-CMG  CHAPTER 13  <b>Objection to Confirmation of Debtor's Chapter 13 Plan</b>
<b>In Re:</b>  <b>Joshua E. Kelly,</b>  <b>Debtor.</b>	

**OBJECTION TO CONFIRMATION OF DEBTOR'S CHAPTER 13 PLAN**

Home Point Financial Corporation ("Secured Creditor"), by and through its undersigned counsel, objects to confirmation of Debtor's Chapter 13 Plan (DE # 3), and states as follows:

1. Debtor, Joshua E. Kelly, ("Debtor"), filed a voluntary petition pursuant to Chapter 13 of the Bankruptcy Code on July 3, 2023.
2. Secured Creditor holds a security interest in the Debtor's real property located at 144 Belmont Avenue North Plainfield, NJ 07060, by virtue of a Mortgage recorded on November 17, 2017 in Document No. 2017044298 Book 7001, at Page 2552 of the Public Records of Somerset County, NJ. Said Mortgage secures a Note in the amount of \$180,000.00.
3. The Debtor filed a Chapter 13 Plan on July 3, 2023.
4. The Plan proposes to cure the pre-petition arrears via a loan modification. Thus far, a loan modification has not been offered or approved. Debtor is obligated to fund a Plan which is feasible to cure the arrears due to the objecting creditor within a reasonable time pursuant to 11 U.S.C § 1322(b)(5). Therefore, in the event that any loss mitigation efforts are not successful, the plan fails to satisfy the confirmation requirements of 11 U.S.C §1325(a)(1).
5. Furthermore, while pursuing loss mitigation, Debtor's Plan proposes monthly adequate protection payments to Secured Creditor in the amount of \$1,400.00. However, if Debtor

is pursuing loss mitigation directly with Secured Creditor, as opposed to utilizing the loss mitigation portal, then Secured Creditor requires full monthly mortgage payments in lieu of adequate protection payments to Secured Creditor.

6. Additionally, the Plan fails to provide for the treatment of arrearage due Secured Creditor. It is anticipated that Secured Creditor's claim will show an estimated pre-petition arrearage due Secured Creditor as \$15,581.82, whereas the Plan fails to provide for the said arrearage. Therefore, the Plan is not in compliance with the requirements of 11 U.S.C. §§ 1322(b)(3) and 1325(a)(5) and cannot be confirmed. Secured Creditor objects to any plan which proposes to pay it anything less than \$15,581.82 as the pre-petition arrearage, subject to the final figures in the anticipated proof of claim, over the life of the plan.

**WHEREFORE**, Secured Creditor respectfully requests this Court sustain the objections stated herein and deny confirmation of Debtor's Plan, and for such other and further relief as the Court may deem just and proper.

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PLLC  
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### **CERTIFICATION OF SERVICE**

1. I, Maria Jaramillo, am the secretary/paralegal for Robertson, Anschutz, Schneid, Crane & Partners, PLLC, who represents Home Point Financial Corporation in the above-captioned matter.
2. On July 19, 2023, I caused a copy of the following pleadings and/or documents to be sent to the parties listed in the chart below:

### **OBJECTION TO CONFIRMATION OF DEBTOR'S CHAPTER 13 PLAN**

3. I certify under penalty of perjury that the above documents were sent using the mode of service indicated.

Date : 7/19/2023

Robertson, Anschutz, Schneid, Crane & Partners,  
PLLC  
Attorney for Secured Creditor  
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Fairfield, NJ 07004  
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By: /s/Maria Jaramillo  
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<u>Name and Address of Party Served</u>	<u>Relationship of Party to the Case</u>	<u>Mode of Service</u>
Melinda D. Middlebrooks Middlebrooks Shapiro, P.C. P.O. Box 1630 Belmar, NJ 07719-1630	Attorney for Debtor	<input type="checkbox"/> Hand-delivered <input checked="" type="checkbox"/> Regular mail <input type="checkbox"/> Certified Mail/RR <input type="checkbox"/> E-mail <input type="checkbox"/> Notice of Electronic Filing (NEF) <input type="checkbox"/> Other  (as authorized by the court*)
Joshua E. Kelly 144 Belmont Avenue North Plainfield, NJ 07060	Debtor	<input type="checkbox"/> Hand-delivered <input checked="" type="checkbox"/> Regular mail <input type="checkbox"/> Certified Mail/RR <input type="checkbox"/> E-mail <input type="checkbox"/> Notice of Electronic Filing (NEF) <input type="checkbox"/> Other  (as authorized by the court*)
Albert Russo Standing Chapter 13 Trustee CN 4853 Trenton, NJ 08650-4853	Trustee	<input type="checkbox"/> Hand-delivered <input checked="" type="checkbox"/> Regular mail <input type="checkbox"/> Certified Mail/RR <input type="checkbox"/> E-mail <input type="checkbox"/> Notice of Electronic Filing (NEF) <input type="checkbox"/> Other  (as authorized by the court*)
U.S. Trustee US Dept of Justice Office of the US Trustee One Newark Center Ste 2100 Newark, NJ 07102	U.S. Trustee	<input type="checkbox"/> Hand-delivered <input checked="" type="checkbox"/> Regular mail <input type="checkbox"/> Certified Mail/RR <input type="checkbox"/> E-mail <input type="checkbox"/> Notice of Electronic Filing (NEF) <input type="checkbox"/> Other  (as authorized by the court*)